

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## ROBERT WARD GARRISON,

Plaintiff,

V.

WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS, *et al.*

### Defendants.

Case No. C05-5837 FDB/KLS

**ORDER DENYING PLAINTIFF'S  
MOTION REQUESTING THIRTY  
DAY STAY OF PROCEEDINGS**

Presently before the Court is Defendants' motion for summary judgment (Dkt. # 97), which was filed in August, 2007. Prior to the filing of Defendants' motion, Plaintiff filed a motion to compel and for sanctions. (Dkt. # 85 and 86). Those motions were denied, but the parties were directed to confer and the discovery deadline was extended until October 10, 2007. (Dkt. # 99). Because the discovery deadline was extended, the Court *sua sponte* extended Plaintiff's deadline to respond to Defendants' motion until November 5, 2007. (Dkt. # 111). Plaintiff now requests a thirty day stay of these proceedings so that he may prepare a motion for a certificate of appealability in his federal habeas case that was dismissed by this Court on October 9, 2007. (Dkt. # 113).

Plaintiff has known since October 16, 2007 that his response was due no later than November 5, 2007. Plaintiff has had more than enough time to respond to the pending summary judgment motion even taking into consideration his need to submit a motion for a certificate of

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1 appealability in his habeas case. Since the filing of Defendants' motion for summary judgment,  
2 Plaintiff has submitted several motions in this case, including a motion to compel (Dkt. # 109), a  
3 motion to certify class action (Dkt. # 106) and motion for ruling on magistrate's report and  
4 recommendation (Dkt. # 102).

5 Since requesting a stay of these proceedings so that he may prepare a motion for certificate  
6 of appealability in his federal habeas case, Plaintiff has also found the time to file a motion for  
7 nominal sanctions and for temporary restraining order (Dkt. # 116) and a motion to condense and  
8 sort his legal boxes (Dkt. # 117).

9 These motions demonstrate that Plaintiff has had ample time to submit his response to  
10 Defendants' pending summary judgment motion<sup>1</sup>.

11 Accordingly, it is **ORDERED** that Plaintiff's motion for a stay (Dkt. # 113) is **DENIED**.  
12 The Clerk is directed to send copies of this order to Plaintiff and counsel for Defendants.

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14 DATED this 20th day of November, 2007.

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17 Karen L. Strombom  
18 United States Magistrate Judge

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24 <sup>1</sup>The Court also notes that Plaintiff has found time to file motions in another case, *Garrison*  
25 *v. Waddington*, 5-5487RJB (Dkt. #100, 101, therein). A similar motion to stay by Plaintiff in that  
case has also been denied.